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Attorney for Respondent,
Gabriel Castellanos

FILED

MAY 29 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

GABRIEL CASTELLANOS,
No. 227702,

A Member of the State Bar.

Case No.: No. 15-O-14755

**ANSWER TO THE NOTICE OF
DISCIPLINARY CHARGES**

TO: THE STATE BAR COURT OF CALIFORNIA

Pursuant to Rule 5.43 of the Rules of Procedure of the State Bar of California, Respondent Gabriel Castellanos ("Respondent"), by and through his attorney of record, Edward O. Lear, hereby submits the following in response to the Notice of Disciplinary Charges on file herein:

Respondent was admitted to the practice of law in the State of California on December 3, 2003, and at all relevant times herein has been a member of the State Bar of California.

Under the provisions of Rules of Procedure of the State Bar of California, Respondent hereby generally denies each and every allegation of the Notice of Disciplinary Charges and the whole thereof, and further denies that Respondent has violated any Rule of Professional Conduct in any manner whatsoever.



1 In response to the specific allegations on information and belief set forth in the Notice of
2 Disciplinary Charges on file herein, Respondent asserts:

3 **JURISDICTION**

4 1. In response to Paragraph 1 of the Notice of Disciplinary Charges ("NDC"),
5 Respondent admits said allegations.

6 **COUNT ONE**

7 Case No. 15-O-14755

8 2. Respondent admits the allegations of Paragraph 2 of the NDC regarding
9 Respondent's receipt on behalf of his client, Kylie Dang Rapoport, a check from her ex-husband as
10 an equalization payment in their dissolution of marriage payable to respondent and the client in the
11 sum of \$20,000. Respondent objects to the remaining allegations of Paragraph 2 of the NDC
12 because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding
13 said objection, Respondent denies the remaining allegations contained in Paragraph 2 of the NDC.

14 **COUNT TWO**

15 Case No. 15-O-14755

16 3. Respondent admits the allegations of Paragraph 3 of the NDC regarding
17 Respondent's receipt, on or about February 12, 2013, on behalf of his client, Kylie Dang Rapoport, a
18 check from her ex-husband as an equalization payment in their dissolution of marriage payable to
19 Respondent and the client in the sum of \$20,000, and regarding that on or about February 15, 2013,
20 Respondent deposited the \$20,000 into his client trust account at Bank of America, account number
21 xxxx-xxxx-4062.

22 4. Respondent objects to the allegations of Paragraph 4 of the NDC because they are
23 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection,
24 Respondent denies the allegations contained in Paragraph 4 of the NDC.

25 5. Respondent objects to the allegations of Paragraph 5 of the NDC because they are
26 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection,
27 Respondent denies the allegations contained in Paragraph 5 of the NDC.

28 **COUNT THREE**

6. Respondent admits the allegations of Paragraph 6 of the NDC regarding Respondent's receipt, on or about February 12, 2013, on behalf of his client, Kylie Dang Rapoport, a check from her ex-husband as an equalization payment in their dissolution of marriage payable to Respondent and the client in the sum of \$20,000; that on or about February 15, 2013, Respondent deposited the \$20,000 into his client trust account at Bank of America, account number xxxx-xxxx-4062; that on or about August 31, 2015, Respondent disbursed the approximate sum of \$15,000 to his client; and on or about April 8, 2017, Respondent disbursed \$5,000 to his client. Respondent objects to the remaining allegations of Paragraph 6 of the NDC because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection, Respondent denies the remaining allegations contained in Paragraph 6 of the NDC.

COUNT FOUR

7. Respondent objects to the allegations of Paragraph 7 of the NDC because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection, Respondent denies the allegations contained in Paragraph 7 of the NDC.

COUNT FIVE

8. Respondent objects to the allegations of Paragraph 8 of the NDC because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection, Respondent denies the allegations contained in Paragraph 8 of the NDC.

9. Respondent objects to the allegations of Paragraph 9 of the NDC because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection, Respondent denies the allegations contained in Paragraph 9 of the NDC.

COUNT SIX

10. Respondent's March 16, 2016, correspondence to the Office of Chief Trial Counsel speaks for itself. Respondent objects to the remaining allegations of Paragraph 10 of the NDC

1 because they are conclusory, compound, and intertwined with legal conclusions. Notwithstanding
2 said objection, Respondent denies the remaining allegations contained in Paragraph 10 of the NDC.

3 11. Respondent objects to the allegations of Paragraph 11 of the NDC because they are
4 conclusory, compound, and intertwined with legal conclusions. Notwithstanding said objection,
5 Respondent denies the allegations contained in Paragraph 11 of the NDC.

6 **COUNT SEVEN**

7 Case No. 15-O-14755

8 12. Respondent admits that on or about April 6, 2017, Respondent settled a claim or
9 potential claim by a client, Kylie Dang Rapoport, for Respondent's liability for professional
10 malpractice, namely arising from Respondent's representation of the client in a dissolution of
11 marriage matter filed in the Los Angeles County Superior Court, titled *Matthew Rapoport v. Kylie*
12 *Dang Rapoport*, LASC Case No. LD061921. Respondent objects to the remaining allegations of
13 Paragraph 12 of the NDC because they are conclusory, compound, and intertwined with legal
14 conclusions. Notwithstanding said objection, Respondent denies the remaining allegations
15 contained in Paragraph 12 of the NDC.

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17 **AFFIRMATIVE DEFENSES**

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19 **FIRST AFFIRMATIVE DEFENSE**

20 (Failure to State Sufficient Facts)

21 The Notice of Disciplinary Charges, and each of its purported counts, fails to state facts
22 sufficient to state a basis for discipline.

23 **SECOND AFFIRMATIVE DEFENSE**

24 (Duplicative Charges)

25 The Notice of Disciplinary Charges contains inappropriate, unnecessary, and immaterial
26 duplicative charges. *Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060; *In the Matter of Lilley* (Rev.
27 Dept. 1991) 1 Cal. State Bar Ct. Rptr. 476, 585.

28 **THIRD AFFIRMATIVE DEFENSE**

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(Lack of Materiality)

The facts on which some or all of the Notice of Disciplinary Charges are based allege immaterial or irrelevant omissions or statements.


FOURTH AFFIRMATIVE DEFENSE

(Charges Do Not Constitute Willful Misconduct)

The facts on which some or all of the Notice of Disciplinary Charges are based constitute mistake, inadvertence, neglect, or error and do not rise to the level of willful misconduct.

DATED: May 25, 2018

CENTURY LAW GROUP LLP



Edward O. Lear
Attorney for Respondent
Gabriel Castellanos

DECLARATION OF SERVICE BY MAIL

Re: In the Matter of Gabriel Castellanos

No.: 15-O-14755

I, Kathy Ferrera, declare:

I am over the age of 18 years and not a party to the within action. My business address is 5200 W. Century Boulevard, Suite 345, Los Angeles, California 90045, in the County of Los Angeles.

I am familiar with the business practice of Century Law Group LLP for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 29, 2018, at my place of business, at Los Angeles, California, the attached:

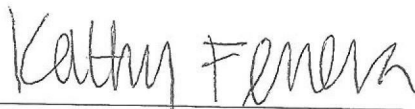
ANSWER TO NOTICE OF DISCIPLINARY CHARGES

was placed for collection and deposit in the United States Postal Service at the practice of Century Law Group LLP, 5200 W. Century Boulevard, Suite 345, Los Angeles, California 90045, in a sealed envelope, postage fully prepaid, addressed to:

Charles Calix Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017	
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and that envelope was placed for mailing on that date following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this declaration was executed at Los Angeles, California, on May 29, 2018.



Kathy Ferrera